

REMARKS

Attached hereto is FIG. 5 for inclusion in the drawings. FIG. 5 was prepared prior to filing the present application and was intended to be filed with the application, but was inadvertently omitted. FIG. 5 is not new matter, as the subject matter illustrated therein is already fully disclosed in the Specification, FIG. 5 being a flow diagram which merely illustrates graphically, operations which are described in the Specification at ¶ [0027] and ¶ [0031].

For example, quoting from the Specification at ¶ [0027]:

the interaction circuit 110 preferably makes a determination as to whether any RF tag is in proximity to the toy 104 (*action 300*). If no RF tag is in the vicinity of the toy 104, the process flow loops back to *action 300* until an RF tag is detected. At that point, the interaction circuit 110 preferably determines which of the one or more RF tags are in the vicinity of the toy 104. This may be carried out in parallel (*as shown in FIG. 5*) or serially without departing from the scope of the invention. In particular, the interaction circuit 110 preferably determines whether RF tag 1 is in the vicinity of the toy 104 (*action 302*) if so, the interaction circuit 110 preferably stores information indicating that the RF tag 1 is present (*action 304*). If RF tag 1 is not in the vicinity of the toy 104, then the process flow moves to *action 306*. Similar determinations are made as to whether RF tag 2 is in the vicinity of the toy 104 (*e.g., actions 308, 313*) and whether other RF tags, such as RF tag N is in the vicinity of the toy 104 (*e.g., actions 312, 317*) (*Emphasis added*).

Clearly, all of the information presented in FIG. 5 is already described in the application as indicated from the above quoted language. Under the provisions of 37 C.F.R. §1.81(c), an amendment to include FIG. 5 in the application is not only permitted but it may even be required by the Examiner, as the incorporation of FIG. 5 is helpful to an understanding of the subject matter of the patent application.

In the Office Action, the Examiner rejected claims 26-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,361,396 B1 issued March 26, 2002 to Snyder et al., ("Snyder"), and rejected claims 1-25 and 30-47 under 35 U.S.C. §103(a) as either being obvious over *Snyder*, in view of U.S. Patent No. 6,207,311 to Lastinger issued August 15, 2000 ("Lastinger"), U.S. Patent No. 5,661,470 to Karr issued August 16, 1997 ("Karr"), U.S. Patent No. 6,290,566 B1 to Gabai et al. issued September 18, 2004 ("Gabai"), and/or U.S. Patent No. 6,380,844 B2 to Pelekis issued April 30, 2002 ("Pelekis"). For the reasons set forth below, Applicant submits that the presently pending claims are fully distinguished over the references cited by the Examiner, and respectfully requests reconsideration and allowance thereof at this time.

As recited in claim 1, the present invention relates to an apparatus including one or more mobile items and a toy, the toy operable to emit a query electromagnetic wave and the mobile item operable to produce an answer electromagnetic wave in response to the query electromagnetic wave. As now recited in amended claim 1, the toy includes an interaction circuit operable to i) associate a user-defined output with one or more of the answer electromagnetic waves; ii) select the user-defined output based on receiving the associated one or more answer electromagnetic waves; iii) simultaneously select a second output from among a plurality of outputs based on receiving a particular one or more of the answer electromagnetic waves; and iv) output, in user-perceptible manner, the selected user-defined output combined with the simultaneously selected second output. Similar recitations are found in the independent apparatus claim 9 and method claim 26.

Thus, in an example of operation, as described in Applicant's specification at pg. 11, ¶ [0030], a user-defined output can be in the form of a phrase such as "John". The toy is

operable to associate one or more answer electromagnetic waves with the user-defined output such that "John" is selected when the toy senses such answer electromagnetic wave. A second output can be in the form of a phrase such as "It's time for bed." The toy is operable to simultaneously select the second output based on receiving a particular one or more answer electromagnetic waves. The toy is further operable to output a user-defined phrase "John" together with the simultaneously selected second phrase "it's time for bed" when a particular RF tag is sensed.

Applicant respectfully submits that the cited references neither alone nor in combination teach nor suggest the invention that is claimed in amended claims 1, 9 and 26. *Snyder* merely describes a system in which the toy produces a response upon sensing a resonant frequency of an article. *Lastinger* merely describes a system in which articles include radio frequency tags. *Karr* merely describes a system in which the toy distinguishes between articles based on the content of electromagnetic waves emitted by the articles. *Gabai* merely teaches a toy having the capability of receiving and storing user-defined outputs. *Pelekis* merely describes a system in which a doll responds differently to transmitters located at different locations of a house. However, none of the references cited by the Examiner either teach or suggest selecting a user-defined output based on receiving one or more associated electromagnetic waves and simultaneously selecting a second output based on receiving a particular one or more electromagnetic waves, and outputting, in a user-perceptible manner, the user-defined phrase combined with the second selected output.

Nor does the combination of cited references teach or suggest the producing such combined output when the user-defined output is a user-defined phrase and the second output is a second phrase, as recited in claims 4, 21 and 30. Nor does the

combination of cited references teach or suggest that the user-defined phrase is associated with the one or more electromagnetic waves by the user selecting one or more or the mobile items as recited in claims 8 and 32. Nor does the cited combination of references teach or suggest the specific features of the invention as recited in new claims 48 through 51.

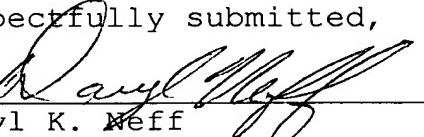
Support for the present amendments is provided, *inter alia*, at pg. 11 ¶[0030] of the Specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 18, 2004

Respectfully submitted,

By 
Daryl K. Neff

Registration No.: 38,253
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant